

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FUNDING FOR THE AFFORDABLE HOUSING REVOLVING LOAN ACCOUNT; REQUIRING THE INTEREST EARNED ON TAX ANTICIPATION NOTES TO BE DEPOSITED INTO THE AFFORDABLE HOUSING REVOLVING LOAN ACCOUNT; INCREASING CERTAIN ADMINISTRATIVE FEES COLLECTED BY COUNTY OFFICIALS AND REQUIRING THAT \$1 OF EACH INCREASED FEE BE DEPOSITED INTO THE AFFORDABLE HOUSING REVOLVING LOAN ACCOUNT; DEPOSITING UNCLAIMED LOTTERY PRIZES INTO THE AFFORDABLE HOUSING REVOLVING LOAN ACCOUNT; DEPOSITING THE PROCEEDS FROM THE SALE OF UNCLAIMED PROPERTY INTO THE AFFORDABLE HOUSING REVOLVING LOAN ACCOUNT; CLARIFYING DEPOSITS TO THE AFFORDABLE HOUSING REVOLVING LOAN ACCOUNT; AMENDING SECTIONS 7-4-2511, 7-4-2631, 23-7-311, 70-9-813, 90-6-133, AND 90-6-134, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION.** **Section 1. Interest on tax anticipation notes.** All interest earned on tax anticipation notes issued pursuant to this part in excess of the amount required to pay the cost of issuance must be deposited in the affordable housing revolving loan account provided for in 90-6-133.

**Section 2.** Section 7-4-2511, MCA, is amended to read:

**"7-4-2511. Collection and disposal of fees.** (1) ~~Each~~ Subject to subsection (3), each salaried county officer ~~must shall~~ charge and collect for the use of ~~his~~ the county and pay into the county treasury by the 10th day in each month all fees ~~now or hereafter~~ allowed by law, paid or chargeable in all cases, except as provided in 25-10-403. ~~Nothing in this~~ This subsection applies ~~applies~~ does not apply to the compensation received by the sheriff as mileage while in the performance of official duties or for the board of prisoners or other persons while in ~~his~~ the sheriff's custody.

(2) ~~No~~ A salaried county officer may not receive for ~~his~~ the officer's own use any fees, penalties, or emoluments of any kind, except the salary as provided by law, for any official service rendered by ~~him~~ the officer. Unless otherwise provided, all fees, penalties, and emoluments of every kind collected by a salaried county officer

are for the sole use of the county and must be accounted for and paid to the county treasurer as provided by subsection (1) and credited to the general fund of the county.

(3) The county treasurer shall remit \$1 of each fee received under 7-4-2631(1)(a), (1)(b)(i), (1)(c) through (1)(e), (1)(f)(ii), and (1)(k) through (1)(m) to the state treasurer for deposit into the affordable housing revolving loan account provided for in 90-6-133."

**Section 3.** Section 7-4-2631, MCA, is amended to read:

**"7-4-2631. Fees of county clerk.** (1) Except as provided in 7-4-2632 and 7-4-2637, the county clerks shall charge, for the use of their respective counties:

(a) for recording and indexing each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with seal affixed, ~~\$6~~ \$7;

(b) for recording and indexing each affidavit of annual labor on a mining claim, including a certificate that the instrument has been recorded with seal affixed:

(i) for the first mining claim in the affidavit, ~~\$3~~ \$4; and

(ii) for each additional mining claim included in it, 50 cents;

(c) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, ~~\$5~~ \$6;

(d) for filing ~~of each~~ subdivision ~~and or~~ townsite ~~plats~~ plat, ~~\$5~~ \$6 plus:

(i) for each lot up to and including 100, 50 cents;

(ii) for each additional lot in excess of 100, 25 cents;

(e) for filing ~~certificates~~ each certificate of ~~surveys and amendments thereto~~ survey or an amendment to a certificate of survey, ~~\$5~~ \$6 plus 50 cents per tract or lot;

(f) for a copy of a record or paper:

(i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and

(ii) for each certification with seal affixed, ~~\$2~~ \$3;

(g) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;

(h) for administering an oath with certificate and seal, no charge;

(i) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(j) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed

1 under those sections;

2 (k) for recording each stock subscription ~~and or~~ contract, stock certificate, ~~and or~~ articles of incorporation  
3 for a water users' associations association, ~~\$3~~ \$4;

4 (l) for filing a copy of notarial commission and issuing a certificate of official character of ~~such the~~ notary  
5 public, ~~\$2~~ \$3;

6 (m) for each certified copy of a birth certificate, ~~\$5~~ \$6, and for each certified copy of a death certificate,  
7 ~~\$3~~ \$4;

8 (n) for filing, recording, or indexing any other instrument not expressly provided for in ~~this section or~~  
9 7-4-2632 or this section, the same fee provided in ~~this section or~~ 7-4-2632 or this section for a similar service.

10 (2) State agencies submitting documents to be put of record shall pay the fees provided for in this  
11 section. If a state agency or political subdivision has requested an account with the county clerk, any applicable  
12 fees must be paid on a periodic basis."

13  
14 **Section 4.** Section 23-7-311, MCA, is amended to read:

15 **"23-7-311. Drawings for and payment of prizes -- unclaimed prizes.** (1) All drawings must be held  
16 in public. The selection of winning tickets may not be performed by an employee of the lottery or by a member  
17 of the commission. All drawings must be witnessed by a professional staff employee of the legislative auditor's  
18 office, and all lottery drawing equipment used in public drawings to select winning prizes or participants for prizes  
19 must be examined by the director's staff and a professional staff employee of the legislative auditor's office prior  
20 to and after each public drawing.

21 (2) The commission may by rule provide for the payment of prizes by ticket or chance sales agents,  
22 whether or not the paying agent sold the winning ticket or chance, whenever the amount of the prize is less than  
23 an amount set by commission rule. Payment may not be made directly by a machine or device or by a computer  
24 terminal.

25 (3) (a) Except as provided in subsection (3)(b), prizes over \$100,000 may, in the discretion of the  
26 commission, be paid either in one lump sum or in equal yearly installments without interest over a period of not  
27 more than 20 years and in yearly installment payments of not less than \$20,000.

28 (b) If the commission enters into an agreement under the provisions of 23-7-202(8) to participate in a  
29 game for prizes of over \$100,000 that requires payment periods of more than 20 years or yearly installment  
30 payments of less than \$20,000 as a condition of participation, the commission may adopt the installment payment

1 amounts and time periods necessary to comply with the conditions of the game.

2 (4) Prizes not claimed within 6 months are forfeited and must be paid into the ~~state lottery fund~~ affordable  
3 housing revolving loan account provided for in 90-6-133. ~~No interest~~ Interest is not due on a prize when a claim  
4 is delayed but made within 6 months.

5 (5) The right to a prize is not assignable, but prizes may be paid to a deceased winner's estate or to a  
6 person designated by judicial order."

7  
8 **Section 5.** Section 70-9-813, MCA, is amended to read:

9 **"70-9-813. Deposit of funds.** (1) Except as otherwise provided by this section, the administrator shall  
10 promptly deposit ~~in the general fund of this state~~ into the affordable housing revolving loan account provided for  
11 in 90-6-133 all funds received under this part, including the proceeds from the sale of abandoned property under  
12 70-9-812. The administrator shall retain in a separate trust fund at least \$100,000 from which the administrator  
13 shall pay claims allowed. The administrator shall record the name and last-known address of each person  
14 appearing from the holders' reports to be entitled to the property and the name and last-known address of each  
15 insured person or annuitant and beneficiary and, with respect to each policy or annuity listed in the report of an  
16 insurance company, its number, the name of the company, and the amount due.

17 (2) Before making a deposit to the credit of the ~~general fund~~ affordable housing revolving loan account,  
18 the administrator may deduct:

- 19 (a) expenses of sale of abandoned property;  
20 (b) costs of mailing and publication in connection with abandoned property;  
21 (c) reasonable service charges; and  
22 (d) expenses incurred in examining records of holders of property and in collecting the property from  
23 those holders."

24  
25 **Section 6.** Section 90-6-133, MCA, is amended to read:

26 **"90-6-133. Revolving loan account -- administration.** (1) There is an affordable housing revolving loan  
27 account in the housing authority enterprise fund provided for in 90-6-107. The money in the loan account is  
28 allocated to the board for the purpose of providing loans to eligible applicants.

29 (2) (a) The loan account contains the money allocated by the legislature to the loan account and:

30 (i) interest earned on tax anticipation notes and deposited into the loan account pursuant to [section 1];

(ii) recording, indexing, filing, copying, and other administrative fees deposited into the loan account pursuant to 7-4-2511(3);

(iii) unclaimed prizes from the lottery deposited into the loan account pursuant to 23-7-311(4);

(iv) unclaimed property deposited into the loan account pursuant to 70-9-813; and

(v) contributions, gifts, and grants accepted by the board for deposit into the loan account.

(b) All principal and interest paid on loans from the loan account must be deposited into the loan account.

(c) All interest and income earned on the loan account must be deposited into the loan account.

~~(2)(3)~~ (a) Except as provided in subsection ~~(2)(b)~~ (3)(b), funds deposited ~~in~~ into the loan account must be used for the program authorized in 90-6-134 and may not be used to pay the expenses of any other program or service administered by the board.

(b) Money transferred to the loan account pursuant to section 2, Chapter 502, Laws of 2001, may be used only for the purposes authorized by the temporary assistance for needy families block grant pursuant to Title IV of the Social Security Act, 42 U.S.C. 601, et seq.

~~(3)(4)~~ The board may determine the rate of interest to be charged for any loan made under the provisions of 90-6-131 through 90-6-136.

~~(4) The board may accept contributions, gifts, and grants for deposit into the loan account. The money must be used in accordance with the provisions of 90-6-134.~~

(5) The costs incurred by the board in administering the loan account must be paid from the loan account.

~~(6) Interest and principal on loans from the loan account must be repaid to the loan account.~~

~~———(7) Interest income generated by investment of the principal of the loan account is retained in the loan account."~~

**Section 7.** Section 90-6-134, MCA, is amended to read:

**"90-6-134. Housing loan program -- loan capital restricted to interest on principal -- eligible applicants.** (1) The money in the loan account must be used to provide financial assistance in the form of direct loans by the board to eligible applicants.

(2) After the initial principal is loaned to eligible applicants, the amount of loans made in a fiscal year is contingent on the repayment of loan principal and on other deposits made to the loan account, including the amount of interest income generated by the principal of the loan account.

(3) Money from the loan account must be used to provide:

(a) matching funds for public or private money available from other sources for the development of low-income and moderate-income housing;

(b) bridge financing necessary to make a low-income housing development or a moderate-income housing development financially feasible;

(c) acquisition of existing housing for the purpose of preservation of or conversion to low-income or moderate-income housing; or

(d) preconstruction technical assistance to eligible recipients in rural areas and small cities and towns.

(4) (a) Technical assistance under subsection (3)(d) may include but is not limited to:

(i) financial planning and packaging for housing developments and projects;

(ii) project design, architectural planning, and siting;

(iii) compliance with planning and permitting requirements; or

(iv) maximizing local government contributions to project development in the form of land donations, infrastructure improvements, zoning variances, or creative local planning.

(b) The board may contract with a nonprofit organization to provide this technical assistance.

(5) Money from the loan account may not be used to replace existing or available sources of funding for eligible activities.

(6) Organizations eligible for loans from the loan account are local governments, tribal governments, local housing authorities, nonprofit community- or neighborhood-based organizations, regional or statewide nonprofit housing assistance organizations, or for-profit housing developers."

**NEW SECTION. Section 8. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

**NEW SECTION. Section 9. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 17, chapter 1, part 2, and the provisions of Title 17, chapter 1, part 2, apply to [section 1].

**NEW SECTION. Section 10. Effective date.** [This act] is effective July 1, 2007.

- END -